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10/511,898	10/20/2004	Gaetan Offredo	Q83178	6422
72875 7590 09/02/2008 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				
EXAMINER COLAN, GIOVANNA B				
ART UNIT		PAPER NUMBER		
2162				
NOTIFICATION DATE		DELIVERY MODE		
09/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/511,898

Applicant(s)

OFFREDO ET AL.

Examiner

GIOVANNA COLAN

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is issued in response to applicant filed request for continued examination (RCE) on 07/07/2008.
2. Claims 1, 9, 15, 17, and 18 have been amended. No claims were added. No claims were canceled.
3. Claims 1 – 18 are pending in this application.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: with respect to claim 1, the term "computer-readable medium" lacks of antecedent basis in the specification. Applicant has amended the specification to provide support for the term "computer readable recording medium". However, the examiner makes note that those terms are not the same.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant has not provides an explicit and deliberate (i.e., limiting) definition for the term "computer-readable medium". Therefore, claims 1 – 8 are rejected as failing to be limited to embodiments which fall within a statutory category.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Coss et al. (Coss hereinafter) US Patent No. 6,170,012 B1.

Regarding Claim 1, Coss discloses a data processing device, including computer-executable instructions stored on a computer-readable medium, installed in a data processing server, said device comprising:

a first table storing sets of at least one primary rule, called "primary metarules", in a parameterizable form and in corresponding relationship to primary identifiers and (Fig. Fig. 3, Col. 2 and 4, lines 37 – 41 and 1 – 6; Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a parameterizable form as claimed; respectively, Coss); and

management means which is coupled to control means of said data processing server and, on receipt of auxiliary data representing operating parameters delivered by said control means after reception by the data processing server of secondary data (Col. 5, lines 35 – 41, Coss), selects at least one of the primary identifiers in the first table (Col. 5, lines 43 – 46, Coss) and associates said auxiliary data therewith so as to define said dedicated processes of said control means (Col. 4 and 5, lines 3 – 6 and 35 – 40; respectively, Coss);

wherein said control means applies said defined dedicated processes to process primary data received by said data processing server, said data processing server transmitting said primary data based on said processing (Col. 5, lines 43 – 46, Coss); and

wherein said at least one primary metarule is specified according to a string of characters containing a place-holder for each parameter of said primary metarule that is not statically defined (Col. 4, lines 15 – 21, "When a category provided for in the rule table is irrelevant in a certain rule, the corresponding table entry can be marked as a 'wild card.' This can apply to any one or any combination of categories. In Fig. 3, and elsewhere, an asterisk (*) is used for wild card entries. 'FTP' stands for 'file transfer

protocol'," Coss; also note that as well known in the art, "wild card" is defined as: A symbol that can represent one or any group of other characters. The term is used particularly of disk filenames, but it is also used in specifying database searches. A common wild-card character is the asterisk (*). For example, the disk command DELETE L* would cause deletion of files LONG, LAME, LIMB, L123, or any other file whose name starts with the letter L. The ? character is often used as a single wild card, meaning that it can be substituted for any single character; (Collings Dictionary of Computing, Ian R. Sinclair, 2000). The examiner interprets the wild card "" as the string of characters containing a place holder for each parameter...that is not statically defined, since the wild card "" represents the character/s and places/positions of a dynamic/changing/non-static rule).

Regarding Claim 2, Coss discloses a device, further comprising a second table accessible to said management means in which are stored secondary identifiers each in corresponding relationship to at least one selected primary identifier associated with auxiliary data (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss).

Regarding Claim 3, Coss discloses a device, wherein said management means, on receipt of said auxiliary data, determine whether the at least one selected primary identifiers corresponding to the type of said auxiliary data is present in the secondary table (Fig. 4, Col. 5, lines 43 – 47 and 51 – 53, Coss), and associate the at least one

selected primary identifier with new auxiliary data so as to adapt said dedicated processes (Col. 5, lines 53 – 59, Coss).

Regarding Claim 4, Coss discloses a device, wherein certain selected primary metarules in the second table are grouped into secondary metarules represented by secondary identifiers (Col. 5, lines 1 – 7, Coss).

Regarding Claim 5, Coss discloses a device, wherein said management means comprise a multiplicity of management submodules each of which manage the association of auxiliary data with at least one primary or secondary metarule (Col. 4 and 5, lines 3 – 6 and 35 – 40; respectively, Coss) and on receipt of said auxiliary data, to determine which of said management submodules corresponds thereto (Col. 5, lines 43 – 46, Coss).

Regarding Claim 6, Coss discloses a device, wherein that said management means are adapted, on receipt of said auxiliary data communicated by the server, to add, delete or modify primary or secondary metarules or auxiliary data in the second table associated with said primary or secondary metarules (Col.8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 7, Coss discloses a device, wherein that said management means and said tables are part of a metafirewall which manages a firewall equipping said server (Col. 1 and 2, lines 63 – 67 and 1 – 3; respectively, Coss).

Regarding Claim 8, Coss discloses a firewall comprising a device (Col. 1 and 2, lines 63 – 67 and 1 – 3; respectively, Coss).

Regarding Claim 9, Coss discloses a data processing method, comprising:
storing in a first table sets of at least one primary rule, called "primary metarules", in a parameterizable form and in corresponding relationship to primary identifiers (Fig. 3, Col. 2 and 4, lines 37 – 41 and 1 – 6; Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a parameterizable form as claimed; respectively, Coss);

on receipt of auxiliary data representing operating parameters delivered by the server after the receipt of secondary data (Col. 5, lines 35 – 41, Coss), selecting at least one of the primary identifiers in the first table (Col. 5, lines 43 – 46, Coss);

associating said auxiliary data with said selected primary identifier so as to define said dedicated processes of said control means (Col. 4 and 5, lines 3 – 6 and 35 – 40; respectively, Coss); and

applying said dedicated processes based on primary rules to process primary data received by said data processing server, and transmitted by said data processing server based on said processing (Col. 5, lines 43 – 46, Coss); and

wherein said at least one primary metarule is specified according to a string of characters containing a place-holder for each parameter of said primary metarule that is not statically defined (Col. 4, lines 15 – 21, "When a category provided for in the rule table is irrelevant in a certain rule, the corresponding table entry can be marked as a 'wild card.' This can apply to any one or any combination of categories. In Fig. 3, and elsewhere, an asterisk (*) is used for wild card entries. 'FTP' stands for 'file transfer protocol'," Coss; also note that as well known in the art, "wild card" is defined as: A symbol that can represent one or any group of other characters. The term is used particularly of disk filenames, but it is also used in specifying database searches. A common wild-card character is the asterisk (*). For example, the disk command DELETE L* would cause deletion of files LONG, LAME, LIMB, L123, or any other file whose name starts with the letter L. The ? character is often used as a single wild card, meaning that it can be substituted for any single character; (Collings Dictionary of Computing, Ian R. Sinclair, 2000). The examiner interprets the wild card "" as the string of characters containing a place holder for each parameter...that is not statically defined, since the wild card "" represents the character/s and places/positions of a dynamic/changing/non-static rule).

Regarding Claim 10, Coss discloses a method, characterized in that, wherein during the preliminary step, secondary identifiers each in corresponding relationship to at least one selected primary identifier associated with auxiliary data are stored in a

second table (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss).

Regarding Claim 11, Coss discloses a method, wherein on receipt of the auxiliary data, it is determined whether the at least one selected primary identifiers that corresponds to the type of auxiliary data is present in the second table (Fig. 4, Col. 5, lines 43 – 47 and 51 – 53, Coss), and to associate the at least one selected primary identifier with new auxiliary data so as to adapt said dedicated processes (Col. 5, lines 53 – 59, Coss).

Regarding Claim 12, Coss discloses a method, wherein certain primary metarules in the second table are grouped into secondary metarules represented by secondary identifiers (Col. 5, lines 1 – 7, Coss).

Regarding Claim 13, Coss discloses a method, wherein there are executed in parallel the selection of the primary or secondary metarules in the first table (Col. 5, lines 43 – 46, Coss) and the modification of the auxiliary data in the second table associated with the secondary identifier representing the selected primary or secondary metarules (Col. 8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 14, Coss discloses a method, wherein, on receipt of complementary data communicated by said server, primary or secondary metarules are

added to, deleted from or modified in the second table (Col.8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 15, Coss discloses a network data processing device, comprising:

a network data processing module (Col.3, lines 20 – 22, Coss); and
a management module coupled to said network data processing module, said management module comprising a first memory containing a first table (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively, Coss), said first table containing primary identifiers associated with at least one parameterized rule (Col.4, lines 1 – 6, Coss) for providing direction to said network data processing module when one or more of said primary identifiers and said at least one parameterized rule are associated with at least one parameter value (Col.4, lines 1 – 6, "... designations of source and destination hosts, a designation of special service which can be called for in a packet..."; Coss¹);
wherein said network data processing module, in response to receiving said direction, manages network data according to said direction (Col.4, lines 22 – 26, Coss);
and
wherein said at least one parameterized rule is specified according to a string of characters containing a place-holder for each parameter of said parameterized rule that is not statically defined (Col. 4, lines 15 – 21, "When a category provided for in the rule table is irrelevant in a certain rule, the corresponding table entry can be marked as a

'wild card.' This can apply to any one or any combination of categories. In Fig. 3, and elsewhere, an asterisk (*) is used for wild card entries. 'FTP' stands for 'file transfer protocol'," Coss; also note that as well known in the art, "wild card" is defined as: A symbol that can represent one or any group of other characters. The term is used particularly of disk filenames, but it is also used in specifying database searches. A common wild-card character is the asterisk (*). For example, the disk command DELETE L* would cause deletion of files LONG, LAME, LIMB, L123, or any other file whose name starts with the letter L. The ? character is often used as a single wild card, meaning that it can be substituted for any single character; (Collings Dictionary of Computing, Ian R. Sinclair, 2000). The examiner interprets the wild card "" as the string of characters containing a place holder for each parameter...that is not statically defined, since the wild card "" represents the character/s and places/positions of a dynamic/changing/non-static rule).

Regarding Claim 16, Coss discloses a device, said management module further comprising a second memory containing a second table, said second table containing secondary identifiers associated with at least one of said primary identifiers and one or more respective parameter values (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss).

¹ Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a parameterizable form as claimed (Col. 2, lines 37 – 41, Coss).

Regarding Claim 17, Coss discloses a method of processing network data, comprising:

storing as entries in a first table, primary identifiers, each with one or more associated parameterized rules (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively, Coss);

receiving data comprising at least one parameter value (Col. 4, lines 8 – 11 and 26 – 29, Coss); and

making a determination whether said parameter value can be associated with an existing one of the entries in said first table (Col. 4, lines 22 – 29, Coss);

when the determination is affirmative, making a combination of said parameter value and said associated parameterized rules, and communicating said combination to a network data processing module so as to direct the management of network data by said network data processing module (Col. 5, lines 35 – 48; wherein the step of caching the results of applying the rule set to a packet of a give network session corresponds to the step of making a combination of said parameter value and said associated parameterized rules as claimed, Coss);

wherein each of said associated parameterized rules is specified according to a string of characters containing a place-holder for each parameter of said associated parameterized rule that is not statically defined (Col. 4, lines 15 – 21, "When a category provided for in the rule table is irrelevant in a certain rule, the corresponding table entry can be marked as a 'wild card.' This can apply to any one or any combination of categories. In Fig. 3, and elsewhere, an asterisk (*) is used for wild card entries. 'FTP'

stands for 'file transfer protocol'," Coss; also note that as well known in the art, "wild card" is defined as: A symbol that can represent one or any group of other characters. The term is used particularly of disk filenames, but it is also used in specifying database searches. A common wild-card character is the asterisk (*). For example, the disk command DELETE L* would cause deletion of files LONG, LAME, LIMB, L123, or any other file whose name starts with the letter L. The ? character is often used as a single wild card, meaning that it can be substituted for any single character; (Collings Dictionary of Computing, Ian R. Sinclair, 2000). The examiner interprets the wild card "" as the string of characters containing a place holder for each parameter...that is not statically defined, since the wild card "" represents the character/s and places/positions of a dynamic/changing/non-static rule).

Regarding Claim 18, Coss discloses a method of processing network data, comprising:

storing as entries in a first table, first primary identifiers, each with one or more associated parameterized rules (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively, Coss);

storing as entries in a second table, secondary identifiers, each with one or more associated second primary identifiers and one or more associated parameter values (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss);

receiving data comprising at least one new parameter value (Col. 6, lines 30 – 34, Coss);

determining at least one associable second primary identifier which said new parameter value can be associated with (Col. 6, lines 41 – 44, Coss);

storing said new parameter value in association with said associable second primary identifier (Col. 6, 44 – 47, Coss);

determining current associated parameter values and corresponding parameterized rules for each of said secondary identifiers (Col. 6, lines 50 – 53, Coss);

making a combination said current associated parameter values and said corresponding parameterized rules for directing said network data processing module (Col. 6, lines 50 – 58, Coss); and

communicating said combination to a network data processing module so as to direct the management of network data by said network data processing module (Col. 6, lines 50 – 58, Coss);

wherein each of said associated parameterized rules is specified according to a string of characters containing a place-holder for each parameter of said parameterized rule that is not statically defined (Col. 4, lines 15 – 21, "When a category provided for in the rule table is irrelevant in a certain rule, the corresponding table entry can be marked as a 'wild card.' This can apply to any one or any combination of categories. In Fig. 3, and elsewhere, an asterisk (*) is used for wild card entries. 'FTP' stands for 'file transfer protocol'," Coss; also note that as well known in the art, "wild card" is defined as: A symbol that can represent one or any group of other characters. The term is used

particularly of disk filenames, but it is also used in specifying database searches. A common wild-card character is the asterisk (*). For example, the disk command DELETE L* would cause deletion of files LONG, LAME, LIMB, L123, or any other file whose name starts with the letter L. The ? character is often used as a single wild card, meaning that it can be substituted for any single character; (Collings Dcitionary of Computing, Ian R. Sinclair, 2000). The examiner interprets the wild card "" as the string of characters containing a place holder for each parameter...that is not statically defined, since the wild card "" represents the character/s and places/positions of a dynamic/changing/non-static rule).

Response to Arguments

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., any string of characters may contain a place-holder for **"each parameter of the row"**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Applicant argues that the applied art fails to disclose; "a string of characters may contain a place-holder for each parameter of said metarule".

Examiner respectfully disagrees. The applied art does teach the amended limitation: wherein said at least one primary metarule is specified according to a string of characters containing a place-holder for each parameter of said primary metarule that is not statically defined (See rejection of claim 1 in this Office Action above).

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
August 22, 2008

//Jean M Corrielus//

Primary Examiner, Art Unit 2162